

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 199

HOUSE BILL 2468

AN ACT

AMENDING SECTIONS 32-502, 32-504, 32-513, 32-518, 32-537, 32-545, 32-552 AND
32-574, ARIZONA REVISED STATUTES; RELATING TO COSMETOLOGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-502, Arizona Revised Statutes, is amended to
3 read:

4 32-502. Board of cosmetology; appointment; qualifications;
5 terms

6 A. A board of cosmetology is established consisting of the following
7 seven members WHO ARE appointed by the governor:

8 1. Two cosmetologists who have been actively practicing in this state
9 for at least three years immediately preceding appointment.

10 2. One nail technician who has been actively practicing in this state
11 for at least three years immediately preceding appointment.

12 3. One instructor who has been actively practicing in this state for
13 at least three years immediately preceding appointment.

14 4. One school owner.

15 5. One educator who does not represent the cosmetology or nail
16 technology industry and is not involved in the manufacture of cosmetology or
17 nail technology products.

18 6. One public member who is not and has never been associated with the
19 cosmetology or nail technology industry, licensed as a cosmetologist or nail
20 technician or involved in the manufacture of cosmetology or nail technology
21 products.

22 B. The term of office for members is three years beginning and ending
23 June 22.

24 ~~C. Board members shall not serve more than two consecutive terms.~~

25 ~~D.~~ C. The governor may remove board members for neglect of duty,
26 malfeasance or misfeasance.

27 Sec. 2. Section 32-504, Arizona Revised Statutes, is amended to read:

28 32-504. Powers and duties

29 A. The board shall:

30 1. Adopt rules which THAT are necessary and proper for the
31 administration of this chapter, including sanitary and safety requirements
32 for salons and schools and sanitary and safety standards for the practice of
33 cosmetology, aesthetics and nail technology.

34 2. Administer and enforce this chapter and rules adopted pursuant to
35 this chapter.

36 3. Either prepare, administer and grade practical and written
37 examinations or contract with a national professional organization for
38 cosmetology selected by the board to prepare, administer and grade practical
39 and written examinations.

40 4. Make and maintain a record of its acts and proceedings, including
41 the issuance, denial, renewal, suspension or revocation of licenses and
42 public reproofs of licensees.

43 5. Evidence its official acts by the signature of the chairman or
44 vice-chairman of the board or a representative designated by the board.

1 6. Keep records of the board open to public inspection at all
2 reasonable times.

3 7. Make an annual report to the governor on or before October 1 of
4 each year covering its official acts and financial transactions during the
5 preceding fiscal year and making recommendations it deems necessary.

6 8. Prescribe minimum school curriculum requirements for
7 cosmetologists, aestheticians, nail technicians and instructors.

8 9. Prescribe standards and requirements for the provision of salon
9 services through mobile units and in customer locations.

10 B. The board may:

11 1. Inspect the premises of any salon or school during business hours.

12 2. ~~DELEGATE AUTHORITY TO ITS EXECUTIVE DIRECTOR TO ISSUE LICENSES TO~~
13 ~~APPLICANTS WHO MEET THE REQUIREMENTS OF THIS CHAPTER.~~

14 Sec. 3. Section 32-513, Arizona Revised Statutes, is amended to read:

15 32-513. Reciprocity

16 Notwithstanding sections 32-510, 32-511 and 32-512, a person is
17 entitled to receive a cosmetologist, aesthetician or nail technician license
18 if the person:

19 1. Submits to the board an application for a cosmetologist,
20 aesthetician or nail technician license on a form supplied by the board.

21 2. Submits to the board satisfactory evidence ~~of either of the~~
22 ~~following:~~

23 ~~(a) THAT the person is licensed in another state or country.~~

24 ~~(b) The person graduated from a school that offers a cosmetology,~~
25 ~~aesthetics or nail technology course substantially similar to the~~
26 ~~requirements of this state and passed the board approved cosmetology,~~
27 ~~aesthetician or nail technician examination.~~

28 3. TAKES AND COMPLETES A CLASS RELATING TO INFECTION PROTECTION AND A
29 CLASS RELATING TO LAW REVIEW THAT IS GIVEN BY THE BOARD OR ITS DESIGNEE. THE
30 BOARD SHALL DETERMINE THE AMOUNT OF THE FEES FOR THESE CLASSES. THE
31 APPLICANT SHALL PAY THESE FEES DIRECTLY TO THE BOARD OR ITS DESIGNEE.

32 ~~3-~~ 4. Pays the prescribed RECIPROCITY LICENSE fees.

33 Sec. 4. Section 32-518, Arizona Revised Statutes, is amended to read:

34 32-518. Inactive licenses; reactivation

35 A. A license ~~which~~ THAT is not renewed pursuant to section 32-517
36 automatically reverts to inactive status.

37 ~~B. The board shall mail notice of renewal and possible reversion to~~
38 ~~inactive status to the last known address of the licensee at least sixty days~~
39 ~~before reversion to inactive status.~~

40 ~~C-~~ B. A licensee may reactivate an inactive license:

41 1. If a license has been inactive for less than one year, by paying
42 the prescribed delinquent renewal penalty.

43 2. If a license has been inactive for one year or more but less than
44 ten years, by paying the prescribed delinquent renewal penalty and submitting

1 proof of satisfying educational requirements prescribed by the board in its
2 rules.

3 ~~D.~~ C. A license ~~which~~ THAT has been inactive for ten years is
4 automatically suspended.

5 ~~E.~~ D. A licensee shall not practice under an inactive license.

6 Sec. 5. Section 32-537, Arizona Revised Statutes, is amended to read:

7 32-537. Instructor; inactive licenses; reactivation; suspension

8 A. An instructor license ~~which~~ THAT is not renewed pursuant to section
9 32-535 automatically reverts to inactive status.

10 ~~B. The board shall mail notice of renewal and possible reversion to~~
11 ~~inactive status to the last known address of the licensee at least sixty days~~
12 ~~before reversion to inactive status.~~

13 ~~C.~~ B. A licensee may reactivate an inactive license:

14 1. If a license has been inactive for less than one year, by paying
15 the prescribed delinquent renewal penalty.

16 2. If a license has been inactive for one year or more but less than
17 ten years, by paying the prescribed delinquent renewal penalty and submitting
18 proof of satisfying educational requirements prescribed by the board in its
19 rules.

20 ~~D.~~ C. A license ~~which~~ THAT has been inactive for ten years is
21 automatically suspended.

22 ~~E.~~ D. A licensee shall not practice under an inactive license.

23 Sec. 6. Section 32-545, Arizona Revised Statutes, is amended to read:

24 32-545. Change of ownership or location; change of trade name

25 A. A salon shall not ~~be transferred~~ CHANGE from the name of one
26 licensee to another or from one location to another or change its trade name
27 without filing a new application and paying the prescribed fee.

28 B. A salon owner shall notify the board ~~of any transfer of his salon~~
29 ~~or change in the salon's trade name~~ in writing within ten days after the
30 ~~transfer or~~ ANY change OF OWNERSHIP OF THE SALON OR CHANGE IN THE SALON'S
31 LOCATION OR TRADE NAME and pay the prescribed fee.

32 Sec. 7. Section 32-552, Arizona Revised Statutes, is amended to read:

33 32-552. Change of ownership or location; change of trade name

34 A. A school shall not ~~be transferred~~ CHANGE from the name of one
35 licensee to another or from one location to another or change its trade name
36 without filing a new application and paying the prescribed fee.

37 B. A school owner shall notify the board ~~IN WRITING of any transfer of~~
38 ~~his school or change in the school's trade name~~ within ten days after the
39 ~~transfer or~~ ANY change OF OWNERSHIP OF THE SCHOOL OR CHANGE IN THE SCHOOL'S
40 LOCATION OR TRADE NAME, submit a new license application for the school and
41 pay the prescribed fee.

42 Sec. 8. Section 32-574, Arizona Revised Statutes, is amended to read:

43 32-574. Unlawful acts; violation; classification

44 A. A person shall not:

1 1. Perform or attempt to perform cosmetology, aesthetics or nail
2 technology without a license in that category issued pursuant to this
3 chapter, or practice in a category in which the person does not hold a
4 license.

5 2. Operate a salon unless it is at all times under the direct
6 supervision and management of a person who is licensed pursuant to this
7 chapter as a cosmetologist, aesthetician, nail technician or instructor and
8 who is working as a licensee in the salon.

9 3. Display a sign or in any way advertise or hold oneself out as a
10 cosmetologist, aesthetician or nail technician or as being engaged in the
11 practice or business of cosmetology, aesthetics or nail technology without
12 being licensed pursuant to this chapter.

13 4. Knowingly make a false statement on an application for a license
14 pursuant to this chapter.

15 5. Permit an employee or another person under the person's supervision
16 or control to perform cosmetology, aesthetics or nail technology without a
17 license issued pursuant to this chapter.

18 6. Practice or attempt to practice cosmetology, aesthetics or nail
19 technology in any place other than in a salon licensed pursuant to this
20 chapter unless the person is requested by a customer to go to a place other
21 than a salon licensed pursuant to this chapter and is sent to the customer
22 from the salon.

23 7. Obtain or attempt to obtain a license by the use of money other
24 than the prescribed fees or any other thing of value or by fraudulent
25 misrepresentation.

26 8. Provide any service to a person having a visible disease,
27 pediculosis or open sores suggesting a communicable disease until the person
28 furnishes a statement signed by a physician licensed pursuant to chapter 13
29 or 17 of this title stating that the disease or condition is not in an
30 infectious, contagious or communicable stage.

31 9. Operate a salon or school without being licensed pursuant to this
32 chapter.

33 10. Violate any provision of this chapter or any rule adopted pursuant
34 to this chapter.

35 11. Ignore or fail to comply with a board subpoena.

36 12. USE THE TITLE OF "AESTHETICIAN", "COSMETOLOGIST" OR "NAIL
37 TECHNICIAN" OR ANY OTHER TITLE OR TERM LIKELY TO BE CONFUSED WITH
38 "AESTHETICIAN", "COSMETOLOGIST" OR "NAIL TECHNICIAN" IN ANY ADVERTISEMENT,
39 STATEMENT OR PUBLICATION UNLESS THAT PERSON IS LICENSED PURSUANT TO THIS
40 CHAPTER.

41 B. An instructor shall not render cosmetology, aesthetics or nail
42 technology services in a school unless the services are directly incidental
43 to the instruction of students.

44 C. A person who violates this section is guilty of a class 1
45 misdemeanor.

APPROVED BY THE GOVERNOR APRIL 19, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2011.

Passed the House March 7, 20 11

by the following vote: 58 Ayes,

1 Nays, 1 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 13, 20 11

by the following vote: 17 Ayes,

13 Nays, 0 Not Voting

[Signature]
President of the Senate

Charmian Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

14 day of April, 20 11

at 8:32 o'clock A. M.

Nicole Bondle
Secretary to the Governor

Approved this 19th day of

April

at 4:10 o'clock P. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 19th day of April, 20 11

at 5:43 o'clock P. M.

[Signature]
Secretary of State

H.B. 2468